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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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January 5, 2016

Captain Steven Katz
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #14-0500
LASD File #014-05490-1514-011

Dear Captain Katz:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 1, 2014, fatal shooting of Frank Mendoza, Sr. by Los Angeles County Sheriff's Department (LASD) Deputy Anselmo Gonzalez, the non-fatal shooting of Cedric Ramirez by LASD Detective Oscar Calderon and LASD Deputy Leonardo Avendano and the fatal shooting of Cedric Ramirez by Deputy Andrew Toone, Special Enforcement Bureau (SEB). We have concluded that Deputy Gonzalez, Detective Calderon, Deputy Avendano and Deputy Toone acted lawfully in self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on August 1, 2014 at 9:55 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Stephanie Sparagna and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances of the shooting and a walk-through of the scene.

The following analysis is based on reports submitted by LASD Homicide Division Sergeants Richard Biddle and Barry Hall. The voluntary statements of Deputies Gonzalez and Toone were considered in this analysis.

FACTUAL ANALYSIS

Introduction

On July 22, 2014, LASD Pico Rivera station deputies saw Cedric Ramirez, a known "Pico Nuevo" gang member, driving a stolen car. The deputies conducted a traffic stop during which Ramirez exited the car, ran and eluded them. The deputies searched the abandoned car and recovered a loaded semiautomatic handgun, a loaded AR-15 assault weapon and a California Department of Corrections prison identification card belonging to Ramirez. A wanted flyer for



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Ramirez was distributed to all Pico Rivera station personnel which included a picture of Ramirez, a detailed description of the incident and notification that Ramirez was a parolee-at-large known to be armed and dangerous.

On August 1, 2014 at 4:50 p.m., LASD Sergeant Scott Chapman, while on patrol in the City of Pico Rivera, saw Ramirez driving a white Honda CRV and requested assistance from other units to arrest Ramirez.

At 5:10 p.m., responding units located the Honda on Reichling Lane near the home of [redacted] Ramirez' [redacted] Deputies surrounded the area and proceeded to her home to apprehend Ramirez. They knocked on the door and ordered [redacted] to open it. [redacted] who was seen looking out the window, abruptly closed the shades and refused to comply. Pico Rivera station received 9-1-1 calls reporting that Ramirez was seen leaving the rear of [redacted] home, jumping walls and running south toward Rosehedge Street to the backyard of a home occupied by the [redacted] family.

The [redacted] house is a small, single story family residence situated in a residential neighborhood. The house is on a raised foundation with three steps leading to a covered front porch and a security screen door and separate entry door. There is a detached garage located to the rear just [redacted] of the residence. Deputies responded to the front of the [redacted] home and established containment perimeters in the area. Other deputies, including Deputy Anselmo Gonzalez, entered the home through the front door to access the backyard. The plan was abandoned when it appeared too dangerous and the deputies simultaneously heard shooting outside. They exited the [redacted] home and saw LASD Detective Oscar Calderon near a pickup truck parked on the west side of the house near the backyard fence. Calderon, who had been standing on the bed of the truck, had ordered Ramirez, who was hidden in the garage, to surrender. Ramirez shot at Calderon who returned fire and jumped off the truck. Moments later, members of the [redacted] family were heard screaming inside the house.

Ramirez had entered the home through a rear bedroom window. Calderon and LASD Deputies Anselmo Gonzalez and Leonardo Avendano moved to the threshold of the front door and assisted in the evacuation of family members. [redacted] and his [redacted] (age [redacted] and [redacted] (age [redacted] ran out the front door. Within seconds, Ramirez walked to the hallway entrance to the living room and encountered the deputies who stood at the front door. Ramirez shot at the deputies who returned fire, retreated during a lull in the gunfire and ran to seek cover on the west side of the house.

In the chaos, [redacted] and his [redacted] who is disabled and sometimes requires a walker and wheelchair, were unable to escape and remained inside the home. After Calderon and Avendano retreated from the doorway and ran to the west side of the house, [redacted] moved quickly toward the front door presumably in an attempt to escape. Deputy Gonzalez, who had moved toward the east side of the home, was unaware of the presence of [redacted] within the home and mistakenly believed that he was Ramirez rushing toward the front of the



house to assault Calderon and Avendano. Fearing for their lives, Deputy Gonzalez discharged his service weapon striking [redacted]

After realizing [redacted] had been mistakenly shot, deputies formulated a plan to rescue him. The rescue team used a ballistic shield for cover as they approached the doorway. Avendano and LASD Deputy Venus Felix provided "cover fire" by shooting at the eaves of the house to distract Ramirez while [redacted] was rescued. Deputies carried [redacted] to a patrol car and drove him to an area outside the containment where he was pronounced dead by paramedics.

Meanwhile, portions of the neighborhood were evacuated as Ramirez remained hidden in the house and held [redacted] hostage for hours. At 6:00 p.m., the Special Enforcement Bureau (SEB) was assigned as the crisis team handling the apprehension of Ramirez and rescue of [redacted] During the stand-off, there were numerous cell phone conversations with Ramirez during which he threatened to set off bombs and harm [redacted]

At 1:33 a.m., after hours of fruitless negotiations and upon hearing shots fired inside the house, the SEB team declared a crisis and forced entry into the house. As members of SEB rescued [redacted] who had remained hidden in the bathroom during the entire time, LASD SEB Deputy Andrew Toone encountered Ramirez in the living room. Ramirez pointing a loaded revolver at Toone who discharged his service weapon striking and killing Ramirez.

Statement of [redacted]

[redacted] was at home when he heard the dogs growl in the backyard as a helicopter hovered above. [redacted] looked through the locked screen backdoor, saw Ramirez in the yard and demanded to know why he was there. [redacted] noticed a gun hidden in Ramirez' back pocket and a bulge in his sock which [redacted] concluded contained drugs. Ramirez appeared "strung out" and stated, "[redacted] said I could hide here." [redacted] and his [redacted] knew [redacted] a "Pico Nuevo" gang member and [redacted] The [redacted] had been friends with [redacted] and had even tried to "turn his life around." [redacted] refused to allow Ramirez into the house but Ramirez persisted asking if he could hide in the garage. [redacted] told Ramirez to do what he had to do as his [redacted] walked into the backyard, used his cell phone to call [redacted] and instructed him to get Ramirez out of their yard. [redacted] encouraged his [redacted] to enter the house and locked the doors leaving Ramirez in the backyard.

[redacted] saw deputies in the driveway through the living room front screened window. [redacted] gave them a description of Ramirez and his clothing (black shorts and a dark shirt) and advised them that Ramirez was hiding in the garage. The deputies entered the house to access the backyard passing the living room where [redacted] his [redacted] his [redacted] and his two dogs were lying on the floor. His [redacted] remained in the hallway. The deputies determined that it was too dangerous to proceed out the back door.



Simultaneously [redacted] heard gunfire emanating from the side yard near the driveway. As the deputies exited the home they warned everyone to stay down. Within seconds, [redacted] heard a crash coming from a bedroom located in the back of the house, ran to the bedroom and saw Ramirez covered in blood and in possession of a silver revolver. Ramirez demanded that [redacted] hide him. [redacted] realized his [redacted] had followed him into the bedroom and hurriedly ushered her into the hallway where he saw two deputies with guns drawn standing at the front door telling him to get out of the house. [redacted] assumed his [redacted] was assisting his [redacted] when he ran out the door with his [redacted] and dogs.

[redacted] took cover near police cars in front of his home and could see the inside of his house through the front windows and open front door into the living room and kitchen. The deputies backed away from the house. [redacted] heard more gunfire. The deputies were standing in the front "adjusting with guns drawn." A deputy, later identified as Deputy Gonzalez, standing east of the house fired twice at his [redacted] who stood near the front door, striking him in the chest. Approximately one minute passed between the volley of gunshots he heard after running from the house and the shots he heard when his [redacted] was hit. [redacted] recognized Deputy Gonzalez as one of the deputies who had entered his home to access the backyard and insisted that Gonzalez had seen his [redacted] and should have been aware of his presence in the home. [redacted] opined that Gonzalez just saw the dark clothes and shot.

Statement of LASD Detective Oscar Calderon

Detective Calderon and his partner, LASD Detective Steven Lopez, had prepared the wanted flyer for Ramirez, one of the top ten most dangerous "Pico Nuevo" gang members. Calderon and the arrest team received constant updates from the dispatcher and transmissions from deputies and the Aero Unit leading them to the [redacted] home. Calderon climbed into the bed of a truck parked in the driveway alongside a fence allowing him to look into the backyard. As Calderon ordered Ramirez to surrender, he heard a gunshot. Calderon heard a second gunshot and saw a hand with a gun outside the garage pointing at him. Calderon discharged his firearm five times and jumped off the truck. Suddenly, Calderon heard children screaming for help. He and other deputies ran to the front door and pushed it open. As [redacted] his [redacted] and two dogs ran out the door, Calderon saw Ramirez standing in the hallway firing a handgun at him. Calderon discharged his service weapon at Ramirez. Calderon retreated westerly away from the front door where he dove for cover over a hedge and behind a brick wall on the side of the house. Calderon did not see Deputy Gonzalez shoot [redacted]

Statement LASD Deputy Leonardo Avendano

When Deputy Avendano heard cries for help, he and Calderon ran to the front door and instructed everyone to leave. A young [redacted] ran from the home followed by two dogs, a [redacted] and a little [redacted] Someone yelled that his [redacted] was still in the house. Avendano stood behind Calderon who was crouched near the doorframe. Ramirez stood in the hallway, with his arm raised and extended, pointing a gun toward him and Calderon. Avendano could not see Ramirez' face because it was dark inside the house. He saw a silhouette and muzzle flashes and



realized Ramirez was shooting at them. In fear for his safety, Avendano discharged his service weapon at Ramirez. During a break in the shooting, Avendano and Calderon retreated westerly away from the front door toward a car parked south of the house. Avendano was performing a tactical reload when he saw [redacted] inside the house near the front door fall to the ground. Avendano was unaware how [redacted] was injured.

Statement of LASD Deputy Anselmo Gonzalez[1]

Deputy Gonzalez and his partner, LASD Deputy Juan Guillen, responded to the broadcast regarding the search for Ramirez, an armed and dangerous parolee-at-large. Gonzalez never had personal contact with Ramirez but had reviewed the wanted bulletin and was aware that Ramirez was a gang member who had recently eluded deputies leaving a loaded semiautomatic handgun and a loaded AR-15 rifle in a stolen car. After Ramirez eluded deputies once again at the [redacted] residence, Gonzalez and the other deputies were made aware that Ramirez was hiding in the trashcan in the [redacted] backyard. An arrest team was formed with Gonzalez designated "hot radio."[2] Deputies approached the fence located on the west side of the backyard. Ramirez was ordered to surrender but failed to comply. While standing on the side of the house, Gonzalez heard [redacted] whisper through the front window screen that Ramirez was now hiding in the garage. Gonzalez, Guillen and another deputy walked along the west side of the house and entered the front door to see if they could access the backyard. Gonzalez saw family members sitting on the floor in the living room restraining two dogs. Gonzalez is uncertain who or how many family members were there. Gonzalez heard gunfire outside and ran out of the house through the front door back to the west side of the house. Calderon was standing on top of a pickup truck parked in the driveway. Gonzalez did not see who initiated the shooting but was aware that Calderon had discharged his firearm. The Aero Unit advised that Ramirez was trying to jump over the east wall. Gonzalez and the other deputies ran around the front of the house to the east side but did not see Ramirez.

Suddenly, Gonzalez heard screaming in the house. Gonzalez, Calderon and Avendano ran to the front door to evacuate the family. Calderon opened the outer screen door. Calderon and Avendano stood to the left (west) of the doorframe. Gonzalez stood to the right (east) of the doorframe. [redacted], his [redacted] and two dogs ran out of the house. Gonzalez believed Ramirez was hiding in the house. Gonzalez was not aware that there were other family members still in the house. Immediately after [redacted] and his [redacted] ran, Calderon and Avendano, both of whom remained in the same position to the left (west) of the doorframe, discharged their firearms into the house in an easterly direction. Gonzalez, who was still positioned to the right of the door and standing opposite of Calderon, could see only into the northwest portion of the house toward the kitchen area. Calderon and Avendano retreated to the west where Gonzalez believed they were seeking cover near the southwest corner of the house. Gonzalez retreated to the southeast corner of the front yard. As Gonzalez stood on the east side of the front yard he saw through the front door a male silhouette run westerly toward the front living room windows. Gonzalez mistakenly believed the male silhouette was Ramirez. Gonzalez concluded that

[1] LASD Homicide Detectives Hall and Biddle interviewed Deputy Gonzalez on August 1 and August 22, 2014.
[2] The deputy designated to make radio broadcasts if the situation turned into a shooting or other emergency.



Ramirez was unaware that he was also present at the door during the gun battle with Avendano and Calderon, and continued to be unaware of Gonzalez' presence. Gonzalez further mistakenly concluded that Ramirez was attempting to position himself to shoot through the windows or out the door toward Calderon and Avendano. The house was on a raised foundation causing Gonzalez to believe that Ramirez had a tactical advantage over Calderon and Avendano. Fearing for the lives of Calderon and Avendano, Gonzalez discharged his service weapon twice at the silhouette. [redacted] walked toward the front door and fell inside the threshold.

Gonzalez estimated that the silhouette ran through the house twenty to twenty-five seconds after the family ran out of the house and Calderon and Avendano shot into the house. Gonzalez could not recall the dispatcher's description of Ramirez other than "a generic tank top and shorts." He believed it might have been a white top but could not recall. Gonzalez did not see Ramirez when Calderon and Avendano fired their weapons. Gonzalez did not see the silhouette in possession of a gun nor did Calderon and Avendano tell Gonzalez, while they were retreating, that they had engaged Ramirez. Gonzalez saw Calderon and Avendano shooting in the same direction and Gonzalez heard shooting coming from inside the house and concluded that Ramirez was shooting at them. The event happened very quickly. A total of 10 to 12 rounds were fired during the shooting. Gonzales explained that it was daylight during the time of the shooting but the interior of the house appeared dark because of the limited sunlight penetrating the windows partially covered by drapes and blinds. Gonzalez saw the "movement [of the silhouette] going toward where the deputies last being at (sic)."

Statement of Deputy Juan Guillen

Deputy Guillen did not see Deputy Gonzalez shoot [redacted] Guillen stated that his back was to the house when [redacted] was shot. Guillen was assisting [redacted] and the [redacted] gain cover. Guillen was "crouched down" instructing the family "to stay here." He looked up and saw that [redacted] was down.

Statement of [redacted]

[redacted] heard gunshots followed by [redacted] yelling, "He's coming in!" Her [redacted] and [redacted] ran out the front door as she and her [redacted] remained in the hallway near the bathroom door. Ramirez exited a bedroom and walked into the hallway. Ramirez looked "mean" and was in possession of a gun. Ramirez stood near her [redacted] and shot into the living room toward the front door at the deputies. A bullet fragment from Ramirez' gun ricocheted off the wall and hit her in the nose. [redacted] quickly moved into the bathroom and hid in the tub leaving her [redacted] in the hallway. During the hours that she was held hostage, [redacted] heard Ramirez discharge his gun a couple of times. The deputies entered the house and she heard more shooting. The deputies ultimately broke the bathroom door and rescued her. [redacted] became aware of her [redacted] death after she had been taken to the hospital. Prior to Ramirez entering the house, [redacted] and her [redacted] stood in the hallway. [redacted] stated that she and her [redacted] were seen by the four deputies who walked into the house in a straight line past them in order to access the back door located in the kitchen.



Statement of Detective Steven Lopez

Lopez, Avendano and another deputy entered the home to access the backyard as Calderon remained near the fence. Lopez saw family members including [redacted] inside the house. The deputies heard additional gunshots and exited the home. Lopez did not see Gonzalez shoot [redacted] Lopez could not recall where he was when Gonzalez shot [redacted] Lopez assisted in retrieving [redacted] from the front door of the home and noted that he had difficulty lifting him because he was a big guy. Lopez learned that [redacted] used a cell phone to call his [redacted] cell and was engaged in a conversation with Ramirez. Lopez obtained the phone from [redacted] and spoke to Ramirez for hours during the stand-off. Ramirez was incoherent, belligerent, claimed to have numerous weapons and threatened to set off bombs and cut off [redacted] legs.[3]

Statement of Deputy Andrew Toone

SEB Deputy Toone was aware that Ramirez was a parolee- at-large, a gang member, involved in a gun battle with deputies and was extremely agitated during the hostage negotiations. Additionally, Toone heard Ramirez discharge his gun while holding [redacted] hostage. Upon entry, Toone immediately observed that the house had been ransacked and that the living room was filled with debris including a large television near the front door and a large, high pile of clothing, sheets and blankets near the wall to his right inches from his leg. The other members of SEB had already entered the location and were making their way toward the back of the house to rescue [redacted] Toone was concerned that Ramirez might be hiding in the debris. Toone had his handgun in his right hand as he pulled back the sheets and blankets with his left hand to see if Ramirez was under them. Toone saw Ramirez sitting in a crouched position. Ramirez' back and buttocks were against the wall a few inches off the ground and his elbows were on his knees with a handgun pointed at Toone. Ramirez tried to stand up with the gun in his hand still pointed at Toone who believed that Ramirez "was not giving up." Fearing for his life and the lives of the other deputies, Toone fired five rounds from his service weapon striking and killing Ramirez who fell back down to the floor where Toone had first seen him. Toone was focused on Ramirez' arm and the gun and thinks he shot his face and arm.

Statements of SEB Deputies

LASD SEB Deputy Steve Lonagan, armed with a ballistic shield, was the first SEB deputy through the door. He passed a large television near the front door and made his way toward the kitchen when he heard gunshots and a deputy state that the suspect was down.[4]

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[3] [redacted] a friend of Ramirez and [redacted] was at Smith Park when she received an internet call via Facebook from Ramirez. Ramirez communicated that he was barricaded, instructed her to inform the police not to bring snipers and insisted that he did not kill the elderly man.

[4] The front door leads into a very small living room. The hallway is off the living room. The television was positioned in the living room between the front door and the entrance to the hallway.

LASD SEB Deputy Ian Stade saw a large television in the middle of the living room blocking entry into the hallway. Half the team broke off toward the kitchen and the other half posted to the left of the television covering the hallway. Stade was in the middle of the living room when he heard, "Suspect! Suspect!" followed by four gunshots. He looked to his right and saw Ramirez down on the floor and a gun lying next to him.

LASD SEB Deputy Rich Diliberti and other team members tried to move the television away from the door. They also tried to move other furniture and a pile of clothing stacked near the doorway blocking the entry. Suddenly, Diliberti heard shots fired directly behind him. He turned around and saw Ramirez slumped over with a revolver lying next to him.

LASD SEB Deputy James Ponsford stood to the right of LASD SEB Deputy Gonzalo Galvez who moved the television which pushed back into Ponsford's leg. Ponsford moved out of the way and heard four shots behind him to the right. Ponsford turned around and saw Ramirez on the floor with clothing around him.

Summary of Portions of Pico Rivera Station Radio Traffic

A review of LASD Pico Rivera station communications, including radio traffic, 9-1-1- calls and transmissions between the deputies, revealed numerous, non-stop exchanges much of which was garbled and overlapping. The following is a summary of relevant portions:

5:16 p.m.	"Be advised he jumped into [redacted] Rosehedge two minutes ago…He came from the back house and jumped into the neighbor's yard…was wearing blue Dodger hat, black shirt…"
5:22 p.m.	Unknown deputy relayed that a resident saw the suspect get in the trashcan, requested that all units hold positions, noted the suspect was a parolee-at-large and provided a description of the suspect as a male Hispanic wearing a dark shirt, dark pants, 5'8", and weighing 180 pounds.
5:29 p.m.	Deputy Gonzalez relayed "shots fired," all deputies accounted for and the suspect was in the garage going toward the house. [5]
	Aero Unit advised that the suspect jumped the wall east of the house.
5:31:05 p.m.	Deputy Avendano: "He is actively shooting, watch cross fire!"
5:31:33 p.m.	Deputy Avendano: "Resident said he is inside, we are going to evacuate the residents!"

[5] This shooting refers to Calderon engaging Ramirez while standing on the back of the pickup truck.



5:31:51 p.m. Deputy Avendano: "We got the family!"

5:32:02 p.m. Deputy Avendano: "He is in the house. He is in the house!"

5:32:54 p.m. Deputy Gonzalez: "Suspect inside [redacted] Rosehedge!"
Deputy Avendano: "Suspect last seen inside!"
Deputy Calderon: "Northeast portion of house, he is firing at us!"[6]
Aero Unit: "Had 998, residents out at [redacted] Rosehedge, suspect inside, he is armed parole-at-large!"

5:33:34 p.m. Deputy Avendano: "Suspect inside the house, one person inside the house with the suspect!"

5:33:36 p.m. Deputy Gonzalez: "You have one older male Hispanic down just inside the residence. Per the other resident, that is his [redacted] just inside the front door."

Numerous transmissions regarding call for rescue, notification that the front door just closed, call for evacuation of neighbors, staging for rescue of the victim, notification that rescue team approaching and deploying cover fire, advisement that shotgun rounds originating from rescue team and orders to keep air clear.

5:44 p.m. "Shots fired, deputies at front door…backing out now with victim."[7]

The time between the first broadcast of a deputy involved shooting (Calderon shooting from back of pickup truck) at 5:29 p.m. and the broadcast by Deputy Gonzalez of "older male Hispanic down" at 5:33:36 p.m. was four minutes and thirty six seconds.

SEB Log

The SEB crisis and arrest teams relieved the station deputies' control of the area around the [redacted] home. Members of SEB and their Central Command used their own unrecorded radio frequency in order to maintain uninterrupted transmissions between each other to prevent confusion that can occur when multiple frequencies are in use. The following is a summary of relevant portions from the detailed SEB Incident Log:

6:10 p.m. SEB established crisis/arrest teams.

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[6] This shooting refers to Calderon and Avendano standing at the front door engaging Ramirez.
[7] This shooting refers to Deputies Avendano and Felix discharging their shotguns at the eaves of the house while other deputies rescue [redacted]



7:36 p.m.	Crisis Negotiating Team (CNT) took over communication with suspect.[8]
12:28 a.m.	SEB heard a shot fired followed by the hostage speaking to Ramirez.[9]
1:06 a.m.	Suspect on line; uncooperative and angry.
1:31a.m.	Suspect fired another round.
1:32 a.m.	Crisis declared.[10]
1:33 a.m.	Shots were fired; suspect down; hostage secured. [11]

Firearms Evidence

Detective Calderon had been carrying three fully loaded magazines. Upon examination, the detectives determined that Calderon discharged his Beretta 9mm service weapon a total of twelve times. However, only eight casings were located at the scene. Three of the eight casings were recovered on the cement floor immediately west of the porch and five casings were recovered near the parked truck and backyard fence area.

Deputy Avendano had been carrying two fully loaded magazines. Upon examination, the detectives determined that Avendano discharged his 9mm Sig Sauer semiautomatic service weapon a total of six times. Six casings, determined to have been discharged from this gun, were located at the scene in the front west yard of the home. Additionally, Avendano fired five shotgun rounds at the eaves of the house during the rescue of [redacted]

Deputy Gonzalez fired two rounds from his 9mm Smith & Wesson semiautomatic service weapon. The two casings were located in the driveway of the home immediately east of the [redacted] house.

Deputy Toone fired five rounds from his 9mm Smith & Wesson semiautomatic service weapon. Two casings were recovered from living room entrance and three casings were recovered from the porch landing immediately outside the front door.

Ramirez was in possession of a Smith & Wesson, Model 686-1 stainless steel 6-shot revolver. The weapon contained one live round, four fired casings and one empty chamber in the six-chambered cylinder. The head stamp on three of the expended casings and the one live round

[8] CNT spoke directly to Ramirez off and on for hours and noted the conversations in the log.
[9] During the stand-off, SEB was able to monitor [redacted] activities and heard her speaking to Ramirez who was coaching her to tell the deputies to back away.
[10] Negotiations were not on-going at this point. The containment deputies were unable to hear [redacted] and feared that she may have been shot. SEB decided that they needed to enter the house.
[11] This shooting refers to Deputy Toone shooting Ramirez,



was "Federal 38 SPL+P." The head stamp on the additional fired casing was "Fiocchi." The live round was not in the "next to fire" position. Based on the positioning of the live round, combined with a recovered expended casing found in the kitchen, detectives believe Ramirez may have unloaded and /or reloaded his gun at one point during the standoff. Although only one expended shell casing was recovered from the southeast corner of the kitchen, Ramirez had ransacked the house by turning over furniture and emptying drawers and closets. As a result, there was a great deal of debris throughout the house, as reflected in the crime scene photographs, making it extremely difficult for investigators to examine the home. Additionally, detectives returned to the home the next day to continue their search of the residence but were denied entry by the family and their attorney.

Bullet holes from a single bullet were located in the curtain and window frame of the window located in the south wall of the southwest corner of the living room. The bullet travelled east to west and upward. The bullet perforated several areas of the curtain and penetrated the west window frame. The fired bullet was recovered from the window frame. It was determined that the bullet was discharged from the revolver used by Ramirez.

A bullet hole in the air conditioning unit mounted in the window located in the southwest corner of the living room travelled east to west and exited the west side of the metal housing. The trajectory of the bullet is consistent with having been discharged by Ramirez as described by Deputies Avendano and Calderon.

A bullet hole was located in a syrup bottle located on the shelf of the left side open refrigerator door. The refrigerator was located on the north kitchen wall. The bullet travelled east to west and perforated the top of the bottle and the left side of the refrigerator door. No bullet was recovered. The trajectory of the bullet is consistent with having been discharged by Ramirez as described by Deputies Avendano and Calderon.

Other evidence

A bedroom located to the south of the hallway contained a large queen size bed. There was a large amount of blood smeared on the wall and doorframe at the entry to the room. The light switch was covered in blood. There were blood drops on the floor and blood smears on the bed. These blood drops were consistent with other blood smears throughout the hallway, living room and kitchen. The detectives believe this blood came from Ramirez as he moved around the house during the standoff. Detectives also noted a large amount of blood just inside the front door. On the wall west of the front door was a large smear travelling downward. Detectives believe that these blood marks were from [redacted] as he collapsed inside the doorway.

[redacted] was 54 years old, 5'7" tall, weighed 249 pounds and was wearing a black tank top and black shorts. [redacted] had facial hair on his upper lip and chin.

Ramirez was 24 years old, 5'6" tall and weighed 136 pounds. Ramirez had a black mustache and a shaved head and was heavily tattooed from his neck to his stomach. Ramirez was wearing



a black shirt and baggy blue jeans shorts extended below his knees. The wanted flyer described Ramirez as 5'9" tall and weighing 155 pounds.

Ramirez had [redacted]

Coroner's Evidence

On August 6, 2014, Los Angeles County Deputy Medical Examiner Lawrence Nguyen performed an autopsy on [redacted] and concluded that his death resulted from multiple gunshot wounds. In total, Mr. [redacted] sustained two gunshot wounds. The entry of gunshot wound #1 is the right forehead. The direction is downward and right to left. The entry of gunshot wound #2 is the right leg. The direction is front to back, slightly downward and slightly right to left.

On August 6, 2014, Los Angeles County Deputy Medical Examiner Ogbonna Chinwah performed an autopsy on Ramirez and concluded that his death resulted from multiple gunshot wounds. In total, Ramirez sustained five gunshot wounds. The entry of gunshot #1 is the back of the head an inch below the top and to the left. The direction is back to front and upward. The entry of gunshot wound #2 is the back of the head near the left ear. The direction is left to right and slightly back to front and slightly upward. The entry of gunshot wound #3 is the upper right arm. The direction is front to back and downward. The entry of gunshot #4 is the backside of the right forearm. The direction is back to front. The entry of gunshot wound #5 is the right thigh. The direction is front to back and left to right. The numbering of the gunshot wounds is for descriptive purpose only and does not indicate the order in which they were inflicted. However, gunshot wounds #1 and #2 are the fatal gunshot wounds. The toxicology analysis detected alcohol and methamphetamine in Ramirez' blood.

LEGAL ANALYSIS

The right of self-defense is the same whether the danger is real or apparent. If a person acted from reasonable and honest convictions he cannot be held criminally responsible for a mistake in the actual extent of the danger, when other reasonable men would alike have been mistaken. *People v. Jackson* (1965) 233 Cal. App.2d 639

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. See also, CALCRIM No. 3470.



When an officer uses force against an innocent victim mistakenly believing him to be the suspect, careful consideration should be given to whether the officer's mistake was understandable and the response reasonable to the situation facing the officer at the time. *Milstead v. Kibler* (2001) 243 F. 3d 157.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments--in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation. The reasonableness of the force used "requires careful attention to the facts and circumstances" of the particular incident. *Graham v. Conner* (1989) 490 U.S. 386, 396-397;

In *Graham*, the United States Supreme Court held that the reasonableness of the force used "requires careful attention to the facts and circumstances" of the particular incident. "...Thus, under *Graham*, we must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes "reasonable" action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure." *Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347

CONCLUSION

Deputy Anselmo Gonzalez

Deputy Gonzalez was in the performance of his duty to apprehend a dangerous felon. Gonzalez had seen the wanted flyer and was aware that Ramirez was a "Pico Nuevo" gang member and an armed and dangerous parolee-at-large. Ramirez again eluded deputies at the [redacted] residence when he ran out the back door and jumped over fences and walls into adjoining yards in a residential neighborhood. Ramirez evaded law enforcement yet a third time after failing to comply with orders to surrender and attempting to kill Detective Calderon while outside the [redacted] home. Ramirez continued with more desperate and violent actions to avoid apprehension when he broke into the [redacted] home and shot at deputies as they evacuated the family. This was a dangerous and precarious situation created by a reckless and callous gang member who set into motion a tragic event.

After [redacted] and his children ran from the house, [redacted] stood behind [redacted] in the hallway. They witnessed Ramirez shoot at Calderon and Avendano. [redacted] hid in the bathroom where she remained for eight hours. [redacted] ran for his life toward the front door in the same westerly direction Calderon and Avendano had taken when they retreated. [redacted] was not in fact, as perceived by Gonzalez, Ramirez chasing after Calderon and Avendano. Although mistaken that the lives of Calderon and Avendano were

endangered at that moment, Deputy Gonzalez believed he was shooting at Ramirez when he discharged his firearm resulting in the death of [redacted]

The radio transmissions reveal that a mere four and half minutes elapsed between the time Ramirez was located in [redacted] backyard until [redacted] was shot down near the front door. During that four and half minutes, there was a series of numerous and highly stressful events. Deputies arrived at the scene, established a containment in a residential neighborhood, deployed an arrest plan and designated duties. Deputies tried to enter the backyard through the house. Calderon's order to surrender was met by Ramirez shooting at him. The Aero Unit, hovering above, continuously relayed information to the deputies including that Ramirez had gone over the east wall. Gonzalez ran to the east side of the house to stop him. Ramirez broke a window and entered the house terrifying the occupants. Family members screamed for help and deputies without hesitation ran to their rescue and evacuation. They were confronted by Ramirez shooting at them. Calderon and Avendano positioned themselves on the west side of the house as Gonzalez moved to the southeast corner of the yard where he remained focused on the house he now believed was solely occupied by a dangerous and violent felon. The events that were unfolding were the very "tense, uncertain, and rapidly evolving" circumstances that the United States Supreme Court had in mind while authoring its decision in *Graham v. Conner.*

Gonzalez did not know that [redacted] was in the house. [redacted] and [redacted] believe that Gonzalez saw [redacted] earlier. However, as also noted by [redacted] the family members were on the floor in the living room, as the deputies briefly entered the house to access the backyard through the kitchen, and remained there when the deputies exited the house warning everyone to stay down.

[redacted] moved quickly toward the front door after the deputies exited the doorway. [redacted] was a large man dressed in a black top and black shorts. Ramirez was thin, weighing only 136 pounds, but had been described in the flyer as weighing 155 pounds. Moments before Gonzalez saw [redacted] Ramirez was described over the police transmission as weighing 180 pounds and, like [redacted] was wearing a dark shirt and pants. It was daylight at the time of the shooting. However, the interior of the house appeared dark because of the limited sunlight penetrating the windows. Gonzalez saw the dark, clothed silhouette move quickly toward the direction last held by Calderon and Avendano. The house was on a raised foundation causing Gonzalez to perceive that this person had a tactical advantage over them. Gonzalez knew that Ramirez had shot at Calderon and at Avendano and Calderon during the evacuation. Gonzalez mistakenly believed that [redacted] was Ramirez running toward the deputies with the same intent to kill. Gonzalez was required to assess the situation and make a split second decision which, without action, could have endangered his fellow deputies' lives. "The test of whether the officer's actions were objectively reasonable is highly deferential to the police officer's need to protect himself and others." *Munoz v. City of Union City* (2004) 120 Cal. App. 4th 1077, 1102

The time between Calderon and Avendano engaging Ramirez at the front door and then running for cover and the silhouette appearing to chase them in the same direction is indeterminable from



the radio transmissions.[12] Gonzalez believed that it was twenty to twenty-five seconds later. [redacted] believed it was one minute later. The radio transmissions show that less than two minutes transpired between Avendano announcing, "We got the Family!" and Gonzalez reporting that [redacted] was down. During those two minutes, Calderon and Avendano engaged Ramirez and Gonzalez shot and struck [redacted] It is unknown which transmissions Gonzalez actually heard and absorbed during the chaos. However, it is reasonable to conclude that Avendano's declaration that they had the family meant that the deputies had evacuated the entire family. Lastly, even assuming [redacted] is correct, the lapse of one minute coupled with the reasonable belief that the entire family had been evacuated, does not minimize the reasonableness of Gonzalez' decision to shoot who he believed was Ramirez but was actually [redacted]

The rapidity with which this scenario unfolded enhanced the terrifying, chaotic and stressful environment in which Gonzalez found himself. Gonzalez did not see the silhouette in possession of a gun. However, Gonzalez reasonably concluded, even though incorrectly, that the silhouette was an armed and dangerous Ramirez posing a threat to Detective Calderon and Deputy Avendano. Under the circumstances, Deputy Gonzalez was justified in using deadly force in defense of others.

Detective Oscar Calderon and Deputy Leonardo Avendano

Calderon stood on the back up of a truck and ordered Ramirez to surrender. Ramirez disregarded Calderon's order and shot at him. In reasonable fear for his life, Calderon discharged his service weapon to stop the threat posed by Ramirez.

When Ramirez entered the [redacted] home exposing the victims to continued danger, Calderon, Avendano and Gonzalez attempted to safely evacuate the family. They were confronted at the door by Ramirez shooting at them. In reasonable fear for their lives and the lives of others, Calderon and Avendano discharged their service weapons to eliminate the threat that Ramirez continued to pose.

Deputy Andrew Toone

Deputy Toone was aware that Ramirez was a parolee-at-large, a gang member, involved in a gun battle with deputies and extremely agitated during the hostage negotiations during which he threatened to harm the hostage and set off grenades and bombs. Additionally, Toone heard Ramirez discharge his gun twice while holding [redacted] hostage. SEB waited until a crisis had to be declared at 1:33 a.m., eight hours after the stand-off began. Upon entering the house, Toone saw Ramirez try to stand up with the gun in his hand pointed directly at him. Toone believed that Ramirez "was not giving up." Fearing for his life and the lives of the other

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[12] The radio transmissions reflect deputies making a report of an event having occurred and not necessarily the exact moment of occurrence. For example when a deputy relays 998 (law enforcement code for a deputy involved shooting), the shooting has already occurred.



deputies, Toone fired five rounds from his service weapon striking and killing Ramirez and ending the threat.

Ramirez sustained five gunshot wounds. Two wounds are to his right arm and one wound was to his right leg. These wounds were non-fatal. In light of [redacted] observation that Ramirez was bleeding coupled with the evidence of the blood found in the house, not related to [redacted] it is reasonable to conclude that Ramirez had been shot by Calderon, and possibly again subsequently by Calderon and Avendano, prior to his encounter with Toone. It is possible that some of these non-fatal wounds were sustained during Ramirez' encounter with Toone. It is impossible to determine which non-fatal wounds are associated with each shooting.

Additionally, the autopsy report describes two gunshot wounds from which the projectiles recovered were associated with Toone's service weapon. Both of these wounds are fatal. The entry of one wound is the back of the head an inch below the top and to the left with a direction back to front and upward. The entry of the other wound is the back of the head near the left ear with a direction of left to right and slightly back to front and slightly upward. Toone described the incident as happening very quickly. Toone focused on Ramirez' right arm and the gun not on Ramirez' position while he was being shot. Toone fired five rounds one of which may have hit Ramirez' arm. It is reasonable to conclude that the dynamics of Ramirez' movement before falling back to the ground while Toone continued to fire his weapon affected the path of the wounds.

We find that Detective Oscar Calderon and Deputies Leonardo Avendano, Anselmo Gonzalez, and Andrew Toone were justified in using deadly force and acted in lawful self-defense and in defense of others. We further find that there is insufficient evidence to prove beyond a reasonable doubt that Deputy Gonzalez committed a crime. We are closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By Stephanie Sparagna

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c: Deputy Anselmo Gonzalez, #[redacted]
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